

# ***SCAAC Meeting Summary and Minutes***

***(School Curriculum, Assessment, and Accountability Council)***

May 31, 2002  
State Board Room  
Capital Plaza Tower, Frankfort, Kentucky

## **Committee Members:**

Margie T. Bradford	Gary Mielcarek	H. M. Snodgrass
Dale Campbell	Eleanor Mills	Nancy S. Sutton
Kay Freeland	Henry Ormsby	Roxie R. Tempus
Suzanne Guyer	Roger Pankratz	J. Maynard Thomas, Vice-
Varetta D. Hurt	Robert Sexton	Chairman
Benny Lile, Chairman	Linda Sheffield	One (1) Open Position

## **SCAAC Agenda**

	<b>Agenda Items</b>	<b>Presenters</b>
1.	<b>Call to Order</b>	<b>Benny Lile</b>
2.	<b>Roll Call</b>	<b>Roger Ervin</b>
3.	<b>Approval of January 14, 2002 and March 18, 2002 Meeting Minutes</b>	<b>Benny Lile</b>
4.	<b>Assessment and Accountability Issues related to the Implementation of the Reauthorization of ESEA – No Child Left Behind Act of 2001</b>	<b>Scott Trimble &amp; Cindy Owen</b>
5.	<b>Regulation Change relating to Assessment of LEP Students to Comply with ESEA Requirements</b>	<b>Scott Trimble &amp; Cindy Owen</b>
6.	<b>Accountability and A2-A6 Schools</b>	<b>Scott Trimble</b>
7.	<b>Testing Window: Implications of HB621</b>	<b>Scott Trimble</b>
8.	<b>Senate Bill 168</b>	<b>Scott Trimble</b>
<b>Adjournment</b>		

SCAAC member comments:

Chairperson Benny Lile called the meeting to order at 9:14 a.m. EDT.

Chairperson Lile asked that the minutes reflect the receipt of the May 10, 2002 executive order from the Governor's Office. The executive order provides for appointment and reappointment of Council members.

Through Executive Order, Governor Paul E. Patton appointed Margie T. Bradford from Bardstown, Kentucky as a member of the School Curriculum, Assessment and Accountability Council, representing local school board members, to replace Jamie Bowling, Middlesboro. Her term will run through April 30, 2006.

The following members of the Council were re-appointed for terms expiring April 30, 2006:

Suzanne S. Guyer of Owensboro, Kentucky representing teachers;

Linda J. Sheffield of Fort Thomas, Kentucky representing university staff;

Robert F. Sexton of Lexington, Kentucky representing at-large members;

K. Dale Campbell of Elizabethtown, Kentucky representing principles;

Nancy S. Sutton of Bulan, Kentucky representing district assessment coordinators; and

D. Kay Freeland of Morehead, Kentucky representing superintendents.

## 1. Roll Call

Roger Ervin

The membership roll was called with the following members present:

Margie Bradford	Varetta D. Hurt	Linda Sheffield
Dale Campbell	Benny Lile	H. M. Snodgrass
Kay Freeland	Henry Ormsby	Nancy S. Sutton
Suzanne Guyer	Robert Sexton	

### Presenters:

Cindy Owen, Office of Assessment and Accountability, Kentucky Department of Education

Scott Trimble, Office of Assessment and Accountability, Kentucky Department of Education

### In Attendance:

Kentucky Department of Education: Roger Ervin, Bernard Hamilton, Nancy LaCount, Michael Miller, Judy Tabor, Gene Wilhoit, Catherine Wright

Kentucky Education Association (KEA): Sharon Felty Comer

### SCAAC member comments:

Benny Lile shared with the council medical reasons that Maynard Thomas was not able to attend today's meeting. During the meeting, Benny Lile will address some issues on behalf of Maynard. The council wishes Maynard a speedy recovery.

Benny Lile introduced the newest member to the council, Margie Bradford. Margie is a former Kentucky School Board Association (KSBA) President, National School Board Association Safety Board Director and has served on the Bardstown Independent School Board for the past 24 years.

### KDE staff comments:

Scott Trimble introduced Nancy Sutton who has been reappointed to the council and serves as one of the two school district assessment coordinators on the council. Nancy has retired and is no longer serving as a district assessment coordinator. Nancy is writing a letter to the Governor explaining her situation. Nancy has volunteered to stay on the council until her appointment is clarified or another district assessment coordinator is appointed.

Scott Trimble introduced Catherine Wright of the Office of Assessment and Accountability. Catherine is taking over for Brenda Withrow who has accepted another position within the Kentucky Department of Education.

SCAAC member comments:

Afternoon Session:

Benny Lile and the council members discussed when the next SCAAC meeting should be held. The meeting is tentatively scheduled for Friday September 27, 2002 in Frankfort.

<b>3. Approval of January 14, 2002 and March 18, 2002 Meeting Minutes</b>	<b>Benny Lile</b>
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SCAAC member comments:

Benny Lile asked for discussion on approval of the January 14, 2002 and March 18, 2002 meeting minutes. At the last meeting members asked that the format of the minutes be modified. Kay Freeland asked that approval of the minutes be delayed until after lunch as the revised January minutes were included in today's packet. Linda Sheffield asked that her comments on advanced placement programs be corrected in the January meeting minutes. The minutes should state advanced placement programs and not gifted and talented programs. The percentages cited for the advanced placement programs are approximate and the minutes should reflect that.

Suzanne Guyer has identified some typos and grammatical changes. It was agreed that she will provide corrections to Roger Ervin for updating of the minutes. Suzanne asked that the March minutes be revised when referring to council members with titles. The minutes should be consistent on titles like Doctorate. She recommends that all members with Doctorates should be identified or no members should be identified. Suzanne advised that the student tracking comments should not be attributed to her. Council members agreed that Bernard Hamilton in his presentation had made the comments.

The Council discussed the style of the minutes. Margie Bradford found the minutes very useful, as she was able to understand what has occurred at previous council meetings. H.M Snodgrass was in support of having the minutes reflect the comments and view of an individual. Other members felt this important as they are representing different groups who may have differing views. The council agreed that the minutes shall identify the council member having suggestions, recommendations and comments.

*Afternoon Session*

**SCAAC Motion:**

Just prior to adjournment of the meeting, Chairperson Lile asked the council to vote on approving the minutes from the last two meetings. Henry Ormsby made the motion to approve the January 14, 2002 meeting minutes with the Roger Penkratz changes. The motion received a second from H. M. Snodgrass. The council voted and passed the motion unanimously.

### **SCAAC Motion:**

Suzanne Guyer made the motion to approve the March 18, 2002 meeting minutes including the two changes attributed to her, the typos and grammatical fixes she has identified, and the changes outlined by Linda Sheffield. The motion received a second from Margie Bradford. The council voted and passed the motion unanimously.

<b>5. Regulation Change relating to Assessment of LEP Students to Comply with ESEA Requirements</b>	<b>Scott Trimble &amp; Cindy Owen</b>
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#### **SCAAC member comments:**

The council decided to change the agenda order to present this topic ahead of others because of the importance of this topic to the council, the expected length of discussion time and to assure availability of Kentucky Department of Education staff who were serving as resources to the Council.

#### **KDE staff comments:**

Scott Trimble introduced Cindy Owen who is handling the presentation. Scott also introduced Nancy LaCount and Judy Tabor, Kentucky Department of Education staff who are leading the team developing the response proposals being sent to the U.S. Department of Education.

Cindy Owen advises that starting with the 2002-2003 school year, Kentucky public schools will administer a limited English proficiency test to all students that are considered limited English proficient (LEP). This is a requirement of the No Child Left Behind Act of 2001 (NCLB), the reauthorization of the Elementary and Secondary Education Act. Most districts already administer a test but there are a fair number that do not. The council is being asked to comment on policy options for identifying and administration of tests to LEP students. Should the Kentucky Board of Education research available tests and adopt one approved test for administration to LEP students? Should the state identify and distribute a list of approved tests or should the decision be left to the local education agencies where the school districts identifies and administers the test? There are differing opinions. Kentucky Department of Education (KDE) staff currently is in favor of working towards one approved test. The National Technical Advisory Panel for Assessment and Accountability (NTAPAA) is recommending that the decision should be left up the local school district.

The assessment is administered to the LEP student and a Program Services Plan is written for each student based on test results and normal delivery of instruction needs. The Program Services Plan will identify what accommodations and modifications are needed for regular instruction and for testing of the student with the state mandated

Commonwealth Accountability Testing System (CATS) test. The results of the LEP assessment will not affect school results on the CATS test.

Nancy LaCount reported that testing LEP students is not new as it has been required for a number of years by the U.S. Office of Civil Rights. NCLB provides for additional reporting requirements. The student is to be assessed with a test that is designed to measure where the student is functioning relative to English. The test of English language is to measure speaking, reading, writing, listening and comprehension. KDE staff is still working to understand the comprehension component. These tests are designed to classify students reflecting their level of English language proficiency. Annual objectives are set for each student and students are assessed on an annual basis to ascertain progress. NCLB requires that annual yearly progress be reported to the U.S. Department of Education. Another reporting requirement is to assess LEP students on the regular state academic assessments and continuing to report progress after being out of the program for two years.

Judy Tabor reported that “No Child Left Behind Act of 2001” (NCLB) requires that each state must adopt five goals of which one deals with limited English proficiency. However the law is not clear on what the consequences are, but it is clear that the State will be accountable for meeting the five goals.

Nancy LaCount noted the issue is whether schools should be allowed to use a single assessment or multiple assessments. A single assessment allows a common classification system and permits easier reporting by schools to the Kentucky Department of Education and also to the U.S. Department of Education. When a student transfers from one Kentucky School District to another, a single assessment permits common results which assist school’s in providing the student with accommodations and modifications and meeting the objectives required for adequate yearly progress. Multiple tests raise issues around common standards and what the test measures. The two most popular tests used by Kentucky schools are the “Language Assessment Skills Test” and the “IPT”. Other districts may use other tests. There must be a common classification of what limited English proficiency is as each test may cause students to have different accommodations. There is a concern with the tests that some may provide a better comprehensive relationship of students using English beyond a social conversation when students are assessed in academic areas in the school setting and on state assessment. Currently districts notify KDE of which tests are in use and the LEP student classifications resulting from the assessments.

Cindy Owen, in response to a question from Dale Campbell, explained that the path is similar to a student with disabilities. A student identified as being limited English Proficient is administered an English proficiency assessment to assist in identifying instructional needs or accommodations. Instruction is delivered consistent with those identified needs, and therefore, the state required assessments are administered accordingly.

SCAAC member comments:

Dale Campbell commented that if the English proficiency assessment is to guide accommodations to be used in the administration of state required assessments, we may need a common English proficiency assessment. This might serve to standardize the use of accommodations for this population.

KDE staff comments:

Department staff pointed out that some assessments of English proficiency were designed to focus more on conversational social uses of English while others seemed to point more to the use of English in an academic or content context

SCAAC member comments:

Benny Lile questioned our ability to share common and meaningful performance English language proficiency data with the U.S. Department of Education unless we move to a single English language proficiency assessment tool. Performance data of students with limited English Proficiency on CATS is, and will continue to be, looked at as a subgroup. We still have to report progress to the federal government in the change in English proficiency for this subpopulation.

KDE staff comments:

Scott Trimble noted that Kentucky does not have a set of “standards” specific to English proficiency assessments or expectations. Accountability in Federal Legislation is based on CATS or performance of LEP students on academic assessments. There is an expectation that English proficiency among this population will increase over time. Kentucky’s current practice is to disaggregate and report such data only if there are at least 10 LEP students identified in a school or district at a grade level. If there are 10 or more LEP students we will have to determine if the school has met the biennial goal, and if they have not, the school will be a school in need of improvement.

Nancy LaCount commented on Title III and NCLB formal grants for certain student populations including LEP students, which is intended to support educational efforts in this area. There is a measurement requirement of showing the annual yearly progress.

SCAAC member comments:

Dale Campbell noted that there may not be a fixed definition of limited English proficiency. Nancy indicates these students are called children with limited English proficiency. English as a Secondary Language (ESL) is a program service model, a way of instruction.

Benny Lile summarizes that the LEP students will be looked at on the CATS assessment as a subgroup to see if they are progressing at a certain rate. Beyond looking at their Math and Reading score, the schools will be looking at some instrument, some measure, to say in laymen’s terms that they are getting better at speaking English. There will be two measures that the schools will be looking at. Scott Trimble indicates that it is not

clear that the second measure will be included in accountability. It will have to be reported but does not appear that it has to be factored into the calculations for accountability.

Kay Freeland feels that some schools will be disadvantaged because they have so many non-English speaking students who come in through Universities or industry and do not stay in the school beyond a year. How will that be handled and will schools still be accountable?

KDE staff comments:

Scott Trimble briefly summarized the NTAPAA recommendation. The state plan suggests that Kentucky will move to one English proficiency test. NTAPAA's perspective is a little different and starts with the accountability component. The standard that matters is judging schools on their adequate yearly progress; the percent of students required to reach the proficient / distinguished level of performance in at least reading and mathematics, and if Kentucky is allowed, the other content areas of science, social studies, arts & humanities, practical living / vocational studies, and writing. NTAPAA questioned whether adopting the use of one or multiple English proficiency assessments at this time would meet these standards, both in content and performance. Is KDE confident that these assessments will provide the right information that will allow schools to best shape the instruction plan (program services plan) for these students? Should the decision be left to the local school district to identify the assessment procedures for English proficiency? This is done for students with disabilities where there is not a specific set of information or test that must be used. If KDE chooses one assessment strategy over another at this time, we may prescribe a certain kind of information that will lead to certain kinds of accommodations and instructional interventions that are intended to intentionally affect how these students interact with the student performance standards.

Current research is not definitive on what is the best approach. If KDE were to choose other types of assessments to place on the list, will this lead to different accommodations and instructional interventions? Are students with limited English proficiency so different that neither strategy is always the right strategy for every child? Will local districts be better able to make this choice than the Department? Does KDE have a basis to defend the final list or final test that is chosen? NTAPAA is not sure the Department is in a position to do this. It is not a psychometric issue. From their perspective, it is whether or not the research is definitive enough for us to take this kind of responsibility on at the State level or do local school districts know just as much about this issue as Department staff?

SCAAC member comments:

Benny Lile asked if we could have it both ways? Have a state group that develops and says here is what we would recommend but is non-binding on school districts.

KDE staff comments:

Scott Trimble responded that NTAPAA did not say that KDE should just leave a void but should provide technical assistance to schools in making this decision. Cindy Owen advised that NTAPAA's recommendation is to provide a brochure type approach in telling districts what is available. KDE should tell local school districts what is available, but NTAPAA did not go so far as to say we would recommend, a particular one or a list.

Nancy LaCount points out that there is one difference with students with disabilities. It's more than just the assessment choice; there is a set of standards called eligibility criteria that says that I make a decision based on this assessment against this eligibility criteria. For English proficiency, we do not have a standard. NTAPAA is concerned about the absence of a standard. For the interim, there must be some guidance provided to the schools. Not testing students in the coming school year is not an option.

SCAAC member comments:

Kay Freeland finds the conversation frightening as KDE and this committee should not assume that districts can choose what they are going to do. Please do not assume that districts have the knowledge or expertise to make this kind of choice. The Department needs to provide districts with guidance. Scott Trimble indicated that NTAPAA was thinking that you would implement a program with state provided information but not a state mandated regulation.

KDE staff comments:

Scott Trimble outlined the steps in the plan that is being sent to the U.S. Department of Education on June 12, 2002. The plan will identify a list of tests that schools can use in 2002-2003. There would be a period of time that would allow for evaluation of the tests against some standard that is not clearly defined in the plan. Over time a standard will be developed. An evaluation of the tests against this standard (not yet defined) will be undertaken to determine if any one test is sufficient or whether Kentucky would need to build its own English proficiency assessment. At that point in time Kentucky would move to one single test. NTAPAA is saying that we might not know enough to get to that level and not just us but any state.

SCAAC member comments:

Benny Lile points out that if the state doesn't know enough to come up with a workable solution, one might question how a local school district will know? He doesn't have the expertise within his district so he calls Bowling Green Independent.

Varetta D. Hurt advises that there needs to be continuity in the testing. For schools to be accountable for students moving from one school system to another system, the students need to be assessed with the same instrument. Teachers do not have the time and/or expertise to assess what level the student is at when they are presented with results from different assessments.

The committee asked Nancy LaCount if she has met with staff from Jefferson County Public Schools, Bowling Green Independent Public Schools, and other districts with similar levels of LEP within the state. She has had meetings with them and received comments from other states. They are all in agreement that there needs to be one test to have comparability of data and to meet the standards. Within Kentucky two assessments are commonly used. There are approximately five assessments currently available. California is constructing their own assessment. Another state has 27 different assessments. Other states are looking at using shelf test or developing their own test to meet their states' standard. New York is developing an English proficiency assessment to meet the standard and bridge to their state assessment. Some states are pooling their resources to develop a common English proficiency assessment.

Robert Sexton summarizes that everyone who has spoken here wants one test. The reality is that we cannot have a single test by the fall of 2002. We will meet the requirements of the law by what has been proposed and ultimately move to one test.

KDE staff comments:

Scott Trimble advises that the advice from NTAPAA is a consensus opinion, there was not any descent, and they were not adamant in their views. There is not any expectation that this committee has to agree with NTAPAA. NTAPAA's question is can this committee make a decision that can be technically defended? If we develop a set of standards and there is not a commercial available assessment that aligns with those standards, there will be a time and a development cost issue. If one assessment is recommended there may be another cost issue. Districts who are using a different assessment will need to acquire the assessment recommended by the state.

SCAAC member comments:

Henry Ormsby comments that for all the reasons stated, a single test is the obvious way to go.

Linda Sheffield and Nancy LaCount had a discussion on consequences other than the accountability issue regarding the definitions for LEP. If the definition is more academic that it then identifies more students as LEP. Are the student's automatically put in with the other special education groups and given IEP's or is the program services plan different?

Nancy LaCount replies that it is a similar concept but it is a different plan. Under the No Child Left Behind act, there is a new parent notification requirement where the parents are notified of what assessment is used and what program will be used to measure their student's progress. Parents can cause students to be opted out of the English as second language programs. There is also a school analysis component.

SCAAC member comments:

H.M. Snodgrass recommends that Kentucky not develop a unique standard for KY students. We should have a common goal with the rest of the states in the nation. Thus we should not have to develop our own test.

KDE staff comments:

Scott Trimble advises that other states with much larger populations of affected students are not comfortable with current commercial tests.

SCAAC member comments:

Kay Freeland feels that the commercial assessments will change to meet the requirements of the national law.

KDE staff comments:

Judy Tabor mentions that there is new funding available and some states are planning to work together. A decision on Kentucky's participation has not been made.

SCAAC member comments:

Margie Bradford feels that Kentucky should work with other states to have common standards.

H. M. Snodgrass re-emphasizes that Kentucky should not have such unique standards that require different standards than other states.

Nancy LaCount advises the committee that the Teachers of English to Speakers of Other Languages (TESOL), a national organization has developed standards. The question is how well do their standards bridge or map to Kentucky's overall reading and writing standards? You do not want these standards to take you away from Kentucky's overall standards.

SCAAC member comments:

Robert Sexton feels the issue before this committee is to whether this group recommends one test or not to the Kentucky State Board. Since the federal government has not written the regulation, it is fair to say much will change in the next couple of years.

Benny Lile reminds the committee that the issues are very complex and the committee is getting into discussions on instructional tools as opposed to an English proficiency assessment. Down the line the committee will need to deal with the issues of melding the instructional tool with the assessment.

### **SCAAC Motion:**

Henry Ormsby makes the motion that SCAAC recommends that there be implementation of one test of English language proficiency at the state level provided for within the timelines and guidelines of the federal regulation. Nancy Sutton seconded the motion. Members discussed the motion to clarify meanings within the motion. The motion passed unanimously.

### **KDE staff comments:**

Cindy Owen lead a conversation about how to include these students in our state required assessments and accountability system. The Federal statute says that all students, including limited English proficiency students, who have been in a school for a full academic year, shall be tested and the school is held accountable. If the student has not been in the school for a full academic year and has been in the district's schools for a full academic year, then the school tests the student and the district is held accountable. The law is then silent, which differs from Kentucky where we believe every child should count. Under the federal statute, a student who moves from district to district is not accountable to a school or a district.

Kentucky's system is a school accountability system, thus it is not considered consistent by some that these students might fall into the district accountability. Current Kentucky policy is currently that if a student has been in an English speaking school for two years or more, the student is tested and the school is held accountable. The student may be assessed with accommodations consistent with those provided normally in the delivery of instruction. Kentucky has some choices before it.

Option 1 is as follows. Since Kentucky has a school accountability system, the school will be accountable and not the district. The department will recommend that the students who have been in an English speaking school for two years or more shall also be assessed and held accountable to the school they are attending on the first day of testing.

Another option is to do exactly what the federal legislation says. Yet another option is to not treat limited English proficiency students any different than any other child. If a school has the LEP student on the first day of the testing window, the school should test the student and be accountable. This is a little stringent, so the thinking was to exempt the student when they have not been in an English speaking school for a full academic year.

Last night KDE staff met and talked about these options. The Local Superintendents Advisory Council (LSAC) requested that we do what is in the NCLB act. LSAC wants KDE to challenge the policy. KDE is now recommending that if a child is in a school for a full year proceeding the year of the assessment in question, then the student will be assessed. The federal regulation leaves the definition of school year to the state. KDE is recommending that Kentucky will be more stringent in that the school will be

accountable instead of the district when students have been in multiple schools in the same district. Holding the student accountable to the district does not have the same impact on instruction as having the school accountable for the student. For children that have not been in a school or district for a full academic year prior to the year of the assessment in question and have been in an English speaking school for two years or more will be assessed and the school will be accountable.

*SCAAC member comments:*

Dale Campbell feels that other than in some large districts, the ESL or language programs are run at the district level and not at the school level. Schools do not receive allotments for ESL teachers. A school may receive a percentage of an ESL teacher. If the local school is going to be held accountable, then they should have the staff to operate the program. Discussion occurred between members on where and who is responsible for ESL programs (school or district), staff supervision, staff evaluations of ESL teachers, and monies.

Benny Lile feels the issue is the accountability of the student at the school level. Based on discussions within the state assessment group, schools will be able to live with being accountable for students at federal district level. The concern has been that a school should not be accountable for a student even when they are enrolled on the first day of the school year. This plan addresses that concern and schools will be pleased to not have to assess the student the first year and will have provided instruction to the student for two-thirds to three-fourths of second year before assessment.

Linda Sheffield asks about how this legislation impacts migrant students who are never in one school for a full year. Cindy Owen advises that this committee in a future meeting will need to address this issue. The committee is being asked to address the LEP requirement at this time since the waiver runs out on June 30<sup>th</sup> and NCLB requirements must be implemented for 2002-2003.

**SCAAC Motion:**

Kay Freeland introduced the motion that the committee recommends to the State Board that Kentucky follow federal legislation guidelines with the Kentucky interpretation. Varetta D. Hurt then seconded the motion. The committee voted and passed the motion unanimously.

Benny Lile clarifies what was voted on. The Kentucky interpretation is that Kentucky will be more stringent and schools will be accountable for students that under the federal guidelines the district would have been accountable for.

**Assessment and Accountability Issues related to the**  
**4. Implementation of the Reauthorization of ESEA – No Child**  
**Left Behind Act of 2001**

**Scott Trimble  
& Cindy Owen**

*KDE staff comments:*

Scott Trimble walked the committee members through the 57 pages No Child Left Behind staff note that is being sent to the Kentucky Board of Education.

The first issue is that the federal statute requires that there be one accountability system applied to all. States cannot have an accountability system for Title 1 schools and a different accountability system for non Title 1 regular schools. The Federal Government feels the same standards that are applied to one type of student or one type of school are applied to all schools. So far there are not contradictions in what we are doing in Kentucky and the federal law. When you talk about the same standards, it's not just novice, apprentice, proficient, and distinguished applied to all students in all schools. It sometimes gets interpreted to mean that there needs to be a single standard applied to all schools or single expectation or single performance level applied to all schools in 2002, 2003, 2014. That is going to interact with how Kentucky deals with its accountability system. The problem we deal with in our accountability system, using a growth chart as an example, is that each school currently has an individual growth chart. Some are interpreting the federal law to mean that there is one growth chart at the state level for all elementary schools, at the middle school level, and at the high school level. All elementary schools would therefore be held accountable to the single elementary growth chart that is the aggregate of all Kentucky elementary schools. This will become even more complicated when we talk about the performance of sub-populations' as there is the feeling that the single growth line will also apply to all sub-populations. The State Boards' position, from their last meeting, directed KDE to proceed with the intent to hold together or make consistent as much of Kentucky's assessment and accountability program as possible under the new act. From the federal perspective, everyone starts at the same baseline and every school has the same expected growth every year to get to proficiency.

Scott Trimble provided a real example using reading. Using federal guidelines the reading baseline for Kentucky for the fourth grade would be about 47, which is different than how it currently is calculated. The middle school would be about 43 and the high school about 16. There are other people in Washington D.C. that interpret the regulation more strictly and believe that all schools are combined and put all elementary schools, middle schools and high schools on the very same line. If we did that the reading baseline would start around 16 to 20. Because high schools have larger numbers of students, they have more of an affect on the baseline calculation. There will not be one aggregate number but a number for reading and a number for mathematics and one academic area to be named at a later date at the elementary and middle school and for graduation rates at the high school. It eventually requires Science by the year 2008 and not at every grade level. Kentucky can have parallel systems for the other content areas

if the other five content areas are added. These details have not been worked out at this time but we will have them somewhat worked out in the September proposal and clearly in January 2003 when Kentucky submits their plans to the federal government.

The federal requirements for calculating the index are different than Kentucky's. The federal calculation is simply the percentage of students at the proficient and above categories. That's why the reading index at the high school is 16, which is the sum of the current proficient and distinguished percentages. The problem with the federal plan, which we recognized back in 1992, is that schools need to have some incremental credit for moving students toward the proficient benchmark. When we moved into rebuilding the testing system as a result of House Bill 53 passed by the legislature in the 1998 session, we found it more important to give even more increment credit from moving students in the proficient direction. We now have non-performance novice, medium novice, high novice, low apprentice, medium apprentice, and high apprentice, each with increasing weights. When the reading index is calculated under the Kentucky method, the index is around 60; under the federal guideline the index is 47. The number difference is Kentucky giving schools incremental credit for moving students to the proficient benchmark. The federal calculation negatively impacts states, like Kentucky, who set high standards where it is more difficult to reach the proficient or above level.

SCAAC member comments:

Robert Sexton reported that last week a group of organizations like the Pritchard Committee, but mainly from states that have business roundtable groups, met with Secretary Page and the top staff of the Department. It was a fascinating discussion and what was learned is that in his opinion the staff are basically hostile to educators, they are whiners, they don't want to do this, etc., etc., etc. Meanwhile states like Kentucky, Maryland, Connecticut, Washington, and others who are way down the road on these things coming in and saying don't mess us up, let's work together so that the new thing doesn't disrupt the old thing. Then they have states that are just starting and they may not want to do it. They have not come close to defining annual yearly progress. All states have looked at their data and can tell that 95 to 100 percent of their schools will be out of compliance because they are required to measure a specific number for each year by sub-groups. The business groups told the federal government that they are trying to do this, but don't make us start all over again. In general the staff does not know how complex this is at the state level. Robert Sexton later talked with Susan Stafani, an aid to Secretary Page, and she suggested that states have parallel systems; one for federal government and one for Kentucky would permit meeting the 2001-2002 baseline requirements. In reality, this solution is too complex. The problem is that states will determine what proficient means. For example Indiana can say that proficient is the 20<sup>th</sup> percentile on the CTBS. The incentive is to set your standard low. The concern is that Kentucky would be pushed to set the standard lower so that they can show a 10 percent increase a year.

Benny Lile asked that isn't the purpose of NAEP is to stop states from setting low standards. Robert Sexton said yes but all they are going to do with NAEP is to publish a set a reports that says states test says this and NAEP says this. They specifically said that they would not use NAEP in any way other than in public awareness. Scott Trimble advises that in other meetings a high-ranking official said, "Do not assume that NAEP will not be used in the evaluation of your state program."

Robert Sexton feels that Kentucky should combine with other States who have high standards and oppose the implementation of the law. Vermont has taken that step, Kentucky cannot reject the dollars; Vermont has said that they will reject the dollars. The federal government made it very clear that they will grant no waivers. Should this committee make decisions today or just continue to talk about and decide what our strategies in general should be or how far we should push on the State Board?

KDE staff comments:

Scott Trimble advises that the State Board wants us to pursue a strategy to keep our system intact, not to sacrifice the measurement of seven content areas, not to sacrifice our high standards, not to sacrifice any important parts of our accountability system, and yield only to those parts of the new legislation that are improvements to our current model. NTAPAA in a large sense has supported the State Boards motion. NTAPAA is saying that there is evidence that our system is working and that our system is creditable.

We will have to deal with sub-population accountability issues, grades 3 through 8 testing. We will provide a plan and the federal government will review what we propose, our rational and they say our plan is not adequate or they may come to the conclusion that the law says this but you are making a good faith effort and a reasonable effort to do what we want you to do. We don't know what interpretation will be made.

SCAAC member comments:

Henry Ormsby felt that this is a good approach to take, that a plan is provided to the federal government and that it addressed the key points of the law while maintaining the intent of the Kentucky program. The federal government needed to provide direction that will be accomplished through the evaluation of the plan.

Robert Sexton said that officials are hearing from business groups and they were saying things similar to what the state superintendents of schools were saying. This is very positive. The officials were actually surprised. Sandy Crefts, who helped write this law, was just open in his surprise that the business people from these groups even knew what they are talking about. There were some business people in these meetings that felt the federal government will never be able to implement the law. There is also the presumption that they will be able to enforce any of this, as they do not have the staff and resources. They don't enforce things anyway.

KDE staff comments:

Scott Trimble shared with the committee what the proposed state reaction to the legislation will be. We will propose that they look at the index calculation the way it is and accept it. Another issue is graduation rate. Our perspective is that we have a dropout statistic that is calculated consistent with the National Center for Educational Statistics (NCES) definition. We define dropouts grades 7 through 12 the same way NCES told us to do it. That is a complement to the graduation requirement of this legislation. We feel that as the graduation rate goes up the dropout rate goes down and the reverse is true. We use to publish a statistic called holding power. Everyone kind of uses it as a graduation rate. You have an incoming class of freshman in 1966-1967 and they eventually graduate in 1970-1991. You calculate the percentage of graduates as a percent of the incoming 9<sup>th</sup> grade class. For a particular school this calculation is affected by in and out migration. There are examples where the holding power is 106%. The high percentage, more students graduating than were in the 9<sup>th</sup> grade is caused by students attending a private school in the 9<sup>th</sup> grade and entering a public high school in the sophomore through senior years. Ninth grade retention rate affects holding power. Kentucky has a high 9<sup>th</sup> grade retention rate so it makes it difficult to get to 100 percent graduation rate when freshman students are retained. The federal government is looking at another way to calculate graduation rates. One will take the graduates and dropouts for the year, the number of dropouts when the students were in the 11<sup>th</sup> grade, the 10<sup>th</sup> grade and the 9<sup>th</sup> grade. Kentucky will want to promote the dropout rate as a measurement of the graduation rate. NTAPAA feels that this is a reasonable reaction.

SCAAC member comments:

Linda Sheffield asked if there is national definition of graduation as there is with dropouts. Scott Trimble responded that there is no national definition of graduation rates that has been developed with the consensus involvement of 50 states the dropout rate has. The federal government is promoting the model just described. Using a real year for the example, the number of graduates in Spring 2002 is the numerator. The denominator is the numerator number plus the number of 12<sup>th</sup> grade dropouts for school year 2001-2002, 11<sup>th</sup> grade dropouts in school year 2000-2001, 10<sup>th</sup> grade dropouts in school year 1999-2000, and 9<sup>th</sup> grade dropouts in school year 1998-1999.

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At noon the committee agreed to take a short break and to continue with a working lunch. The meeting was reconvened at 12:15.

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KDE staff comments:

Scott Trimble restarts the NCLB discussion with conjunctive decision-making. This is what the federal government requires as opposed to what we will call a compensatory model that is more like what Kentucky does. The main issue in the federal law is

whether you are a school in need of improvement or whether you are not such a school. This means that when we set a goal in reading, that goal needs to be met by all students; otherwise the school will be considered a school in need of improvement. In addition all minority groups must meet the same goal. Each school's percent of students on free and reduced lunch or low socio economic, which are terms used interchangeably, also have to meet the same goal. Students with disabilities and limited English proficient students have to meet the same goal. The same applies to mathematics. If science and other content areas are part of accountability the same rules apply.

The Kentucky model is a compensatory model that aggregates or brings all the data from reading, mathematics, science, social studies, etc. together. NTAPAA is recommending that we keep our model intact. The Kentucky model requires that all students will be proficient by 2014. The federal statute requires that sub-populations be monitored that to build into the accountability system some consequences and some decisions that sub-populations are meeting their objectives to reach proficient by 2014. This is an area that is non-negotiable in Washington and we will have to build this into the accountability system. All students must meet this goal and each of the sub-groups must meet the same level of expectation or else the school may be considered a school in need of improvement. If the sub-population did not make the goal then there is a second test. If the sub-population reduces the difference on where they started and 100 by 10 percent then they will not be a school in need of improvement.

We have looked at our 2001 data and using Kentucky guidelines and baselines established in 1999 and 2000, about 150 schools would have assistance levels of one, two, and three. Applying the federal model to just reading and mathematics we will have approximately 445 elementary schools that will not be in need of improvement. If all seven content areas are added and the federal model is applied, only 29 elementary schools will not be a school in need of improvement, about six middle schools, and about five high schools.

A chart was drawn and on the left axis was a vertical line that goes from 325 to 800 which represents the range of scale scores. The horizontal axis is a line represents years and goes from 2000 to 2014. Using 10<sup>th</sup> grade reading as an example, the proficient range of performance is about 537 to 584. The first proposal was to be how each sub-group was progressing to average score in year 2014 to reach the mid-point of that 537 to 584 range or about 560. For example if the Caucasian population started at 500, a line would be drawn from 500 in 2000 to 560 in 2014 and monitor the Caucasian's population performance against that line. The African-American population might have a starting point of 470 in 2000 and line would be drawn from 470 in 2000 to 560 in 2014. The African-American population performance would be monitored against that line. Both populations would be expected to end up at the same ending point by the year 2014. This model can be applied to the other sub-populations. We can address the issue of Caucasian and African-American group performance by determining if there is a gap. The other important question is either group or both groups on target to reach the mid-point of proficient by the year 2014. This was the Departments proposal to NTAPAA.

NTAPAA suggested that we need to take it one step further and combine the reading, mathematics, and the other five content areas so that a single scale score or composite scale score for each of the sub-groups so that we are looking at a single decision making model that says that there is a significant performance gap or no performance gap, and groups are on track to reach proficient by the year 2014. By doing this we create a more stable statistic based on the aggregated data. The big advantage, especially for states that set high standards, this model will be more sensitive and will reflect more accurately changes in sub-population growth or lack of growth than a model that is based on a percent proficient/distinguished on a very high standard. This allows us to construct a standard error around the scale score that helps determine significant differences.

SCAAC member comments:

Henry Ormsby says that the No Child Left Behind act is very important to him. He has heard excuses by some people in education that you really can't teach free and reduced lunch students. He doesn't know what the issues and implications are in monitoring the different sub-populations, but would hope that what has been described will not give someone the opportunity to hide behind that excuse. Scott Trimble says that this will not change the emphasis of improving the performance of these students. This does allow you to set improvement goals in all sub-groups and does require all groups to reach 560 by 2014. Under the federal model, where performance is measured in percents of proficient and above, the federal model may not show any improvement and a school will become a school in need of improvement even though the school is making progress toward the goal.

Benny Lile compares this to novice and apprentice performance classifications where initially there was no incremental credit and novice was zero and apprentice was 40. It was much more difficult to show progress. This is one of the reasons the novice and apprentice weights were expanded.

Linda Sheffield points out that the federal model is an all or nothing model. Reasonable people do not think in terms of zero or 100.

Suzanne Guyer asks for a clarification about the sub-group score. Scott Trimble answers that the mean scale score for the sub-group is based on the school's student population and not an overall state sub-group population. He understands why people say that this model is not easy to understand. A discussion began on small sub-group populations and score fluctuations caused by this. Scott Trimble said that the Kentucky model also takes into consideration group size and permits the calculation of standard deviations and statistically significant differences. This helps address Suzanne's concern about score fluctuations of small groups as significant differences are adjusted by group size. Sub-group scores will not be calculated when there are fewer than 10 students in the sub-group or when the performance level is the same for all students in the sub-group because of the Family Rights to Education Privacy Act.

KDE staff comments:

Scott Trimble outlined the NCLB requirements in regard to the National Assessment of Educational Progress that is commonly referred to as NAEP. The law requires that any state receiving funds under this act participate in state assessment of reading and mathematics in NAEP at grades 4 and 8. We will continue to participate in the state NAEP assessment programs. The assessments will be administered in every other year and will start in 2003. Districts receiving funds under this Act have to participate in this assessment. The law is silent on whether or not schools have to participate. We do have to notify parents of students that are going to participate and the parents have the right to withdraw their student from the assessment or the student did not have to answer the whole assessment. You cannot give back individual student, school, or district data for a number of reasons. There are 100 schools and we can take those schools together and say this is what you did for us. This is what the data means to Kentucky and we have to figure out how to use this data.

Scott Trimble continued with the Norm Referenced Test (NRT). The question has been asked, "Can you use Norm Referenced Test to meet your states assessment requirements or any of these requirements?" The answer is yes you can, but the Norm Referenced Test has to measure the breath of your content standards. In most cases that really does mean that if you are using a Norm Referenced Test such as we are using in grade 3 and grade 6, and it does not measure the breath of your content standards, then you have to figure out a way to augment or add to the NRT so that it does measure your content.

Scott Trimble then covered the reporting time lines requirement of NCLB. We are not sure what we are going to do about the reporting time lines. The statute says that you have to report the results of all assessments and accountability decisions prior to the beginning of the next school year. We would love to be able to do that and we are much in favor of that if we just knew how to do it. We are working on how to reduce the turn-around time as it is. There seems to be two ways to do this. One is to move the assessment earlier in the school year. Some people think that the way to deal with this is to administer a multiple choice assessment. They can be turned around quicker, but the Department of Education in Washington and probably statute and regulation all combined state pretty clearly that you must have multiple kinds of assessments. A single multiple choice assessment, in itself will not suffice to meet their standards. The State Board and the Department do not want to move to a single multiple choice assessment. Additional time line requirements are interesting because you have to have the data back in time for schools that are impacted by being labeled schools in improvement or in our vocabulary assistance schools to allow them time to appeal the classification if they want. The statute says that these appeals have to be resolved in thirty days. Kevin Nolan, if he were here, would point out that the due process issues, etc., things lawyers are well aware of, will not be accomplished in the 30 day period. Never the less, schools have to have 30 days to appeal and inform parents of their rights etc. If you interpret this law literally, data would have to be back to the schools by the beginning of July to

accommodate start of year around schools. The latest draft regulation speaks to this in two ways. In one place it says that this timeline is to be met by getting data back to schools and parents as soon as it is possible or reasonable. In another place it says this that this data has to be back to schools prior to the start of the school year. Cindy Owen points out that if all states move to fall testing, the industry could not support it.

Scott Trimble addressed the alternate portfolio. The alternate portfolio language in regulation states that the alternate portfolio for students with severe disabilities has to yield both a reading and mathematics score. Our current alternate portfolio does not technically do that. Our proposal will be that our alternate portfolio comes from a subset of 37 academic expectations reflecting mathematics and communication skills; therefore the score is applicable to both.

Scott Trimble then covered the report card. The report card issues mainly relate to data collection and how we begin to deal with teacher quality issues in the state report card. We are meeting most of the requirements but there are a few data requirements that we are going to have to deal with at the state level.

Scott Trimble then addressed the grades 3 through 8 testing requirements of NCLB. The law does require that in grades 3 through 8 we assess reading and mathematics. Scott Trimble outlines the grades the content area test are administered and that we have holes at grades 5 and 8 in reading and grades 4 and 7 in mathematics. The NRT at grades 3 and 6 will probably not be adequate in itself so we will need to figure out a way to augment the multiple choice tests at these grades. NTAPAA has advised that there are probably 4 or 5 different ways that we can address this. NTAPAA's recommendation, which we will call Model A, is to plug the holes with a multiple choice NRT component in reading at grades 3, 5, 6 and 8 and in mathematics at grades 3, 4, 6, and 7. Then we do an analysis of how well these NRT measures that we might use the CTBS/5 for example. Then determine how well they match our current core content and what additional open response KCCT like questions we will need to add to the mix to adequately cover the breath of our core content.

In a reasonable way we would have a way to talk about whether or not a student at the third grade was proficient in reading or mathematics based on standards that we have set at the fourth or fifth grade level. The thought is that this might replace or meet our local requirements for a longitudinal assessment.

#### SCAAC member comments:

Robert Sexton asked about how we would augment the test and the time students spend on the test. Scott Trimble advises that we would augment the third grade with four open response questions, two in reading and two in mathematics. The current grade 3 NRT multiple choice test takes approximately two hours. Adding the four open response questions will add approximately 1 to 1½ hours to the testing time.

Linda Sheffield asked how the open response scores will be factored into NRT score results. Scott Trimble advises that NTAPAA's meeting last week did not allow them the time to work out all the details. Two things could happen. The open response scores can be put on the CTBS scale. We could have a separate scale that was more KCCT like that would include the open response questions and would have to count within the accountability system. But he is not sure at this time how it might be handled.

Suzanne Guyer points out that the additional testing time will be required at the KCCT grades to handle the additional multiple choice and open response questions for the wholes in reading and mathematics. Scott Trimble advises that 5<sup>th</sup> grade students for example will take the new reading test.

KDE staff comments:

Scott Trimble advised that there are no plans to change testing in the other content areas at the current grades. Scott Trimble's bias is that we keep the NRT at 5%, however no decision has been made. When things are more formalized we will come back to this committee with a proposal and seek your advice.

Scott Trimble then summarized the other four models: Model B, Model C, Model D, and Model E.

Model B –

- Continue with the current Commonwealth Accountability Testing System model of administering the NRT and KCCT.
- Continue with the implementation of the 5<sup>th</sup> grade reading longitudinal assessment and apply a parallel program to grade 8 reading.
- Use the 5<sup>th</sup> and 8<sup>th</sup> grade KCCT mathematics assessments at grades 4 and 7. (Because these assessments would be used at grades earlier than that for which they were designed, adjustments of the content assessed at grades 4 and 7 might need to be made.)

Model C –

- Content/grade specific KCCT assessments in reading for grades 3, 5, 6, and 8, and mathematics for grades 3, 4, 6, and 7 would need to be developed.
- Strategies for building grades 3-8 vertical scales and for interpolating current student performance standards to these grades would need to be developed.

Model D -

- This model is similar to Model C except that the grades 3, 5, 6, and 8 reading assessments and grades 3, 4, 6, and 7 mathematics might be shortened versions

of the current KCCT and would be constructed from teacher generated item pools.

- This model would incorporate strategies for involving Kentucky teachers in the scoring of open response items.
- Strategies for building grades 3-8 vertical scales and for interpolating current student performance standards to these grades would need to be developed.

#### Model E -

- This model is similar to Model D with the additional specification that the scales would be linked to a NRT vertical scale.
- This could include embedding an anchor NRT item block in the multiple choice item sets.

Scott Trimble asked whether the committee wants to take a position on the Models at this time or defer until there is an official position by the State Board. The State Board has the paper before them and they will review at their June 5<sup>th</sup> meeting. The Board will not act on June 5<sup>th</sup>.

#### SCAAC member comments:

Benny Lile shared his personal opinion that he Model A seems reasonable but that the Board is not going to take official action at the June 5<sup>th</sup> meeting, he would like to see more detail on what NTAPAA's is proposing before taking a position. H. M. Snodgrass and Kay Freeland agreed with Benny Lile and committee took no action.

Benny Lile asked Scott Trimble if he needed this committee to take action on any of the items discussed in today's meeting. Scott Trimble responded that this group was ok with the State Board and NTAPAA position to preserve as much of the Kentucky model as we can react to federal mandates. The other is did the committee reach a comfort level on monitoring sub-group populations. Benny Lile, speaking for the committee, felt the committee members were in agreement with it. Scott Trimble felt that this was sufficient and an official motion was not necessary

#### **SCAAC Motion:**

Kay Freeland asked if there should be a motion made from this committee that we support the State Board for their stance on trying to preserve, as much as possible, the Kentucky assessment system in the state that it presently is in. Benny Lile, with other committee members nodding yes, agreed a motion was appropriate. Kay so moved and Robert Sexton seconded the motion. Benny Lile recognized the motion and the second that the committee go on the record as supporting the Kentucky State Board of Education in its attempt or stance to preserve our current form of accountability through the new federal legislation to the extent possible. Benny Lile called for discussion and there was none. The committee voted and motion was passed unanimously.

That the committee go on the record as supporting the Kentucky State Board of Education in its attempt or stance to preserve our current form of accountability through the new federal legislation to the extent possible.

## **6. Accountability and A2-A6 Schools**

**Scott Trimble**

### KDE staff comments:

Scott Trimble provided KDE's view on school accountability for students housed in non-general (regular) schools. This is an issue this committee has already talked about and the Kentucky Board of Education is also very interested in this issue. The schools are district operated and are coded as A2-A6. An A2 school is a vocational-technical school, an A3 school is a special education school, an A4 school is a head-start school, an A5 school is an alternative school, and an A6 school is a program housed in a non-district school. The current policy holds the regular school (A1) accountable, thus all A2-A6 students are tracked back to an A1 school. The issue is when should a regular school be accountable for students who are attending A2-A6 schools. Should the A1 school be accountable for the student when the A1 school placed the student there? Should an A1 school be accountable for the student when another A1 school recommends the student for a non-A1 school? Should the high school be accountable for a student attending an A5 school who started there when in middle school? What A1 school is accountable for students placed in non-A1 schools by court system? Concerns revolve around how long a student has been in an A2-A6 school. Should you treat students differently when they have been at the school for a week versus being at the school for a year or two? KDE does not have the data to tell who and when a student was referred to a non-A1 facility. The committee may want to review and comeback at their next meeting to address this issue.

SCAAC members are provided a paper with some options for the committee to think about. The committee may consider a status quo approach leaving the current policy in place; A2-A6 students are accountable to an A1 school. Other options are 2A, 2B, and 2C. These options include shared accountability opportunities between the school, district, and state. The committee might want to treat A3, A5 and A6 schools separately and possibly limiting the difference to A5 and A6 schools since the number of A3 schools and student population housed in these schools is so small. Currently A2 and A4 schools do not impact accountability. Students attending A2 (vocational-technical) schools are housed in the A1 school and A4 schools have only head start students. The committee should review the survey at the end of the report. The survey may assist the committee in a recommendation were A2-A6 schools to complete the survey.

### SCAAC member comments:

H. M. Snodgrass wanted to know why the issue is coming up. Scott Trimble answered that A1 schools have appealed their performance judgment classification based on

students attending A2-A6 schools. While the Kentucky Board of Education supported the current policy and disallowed the appeal, the Board feels that it is time to review the policy and what other options should be considered. There is a concern that the current policy may not be supporting the education of students housed at A2-A6 schools. Gene Wilhoit shared that he is hearing from school and district staff that there is no interaction between A1 schools and student's attending non-A1 schools. There may be a need for two policies, one when the A1 school makes the decision on a student's current and future educational needs and a second policy when a student falls outside the determination of the A1 schools.

Benny Lile feels that the current policy is not working and portions of the policy will become a big issue, as schools get closer to 2014. SCAAC should spend the time now to address the issues so they will not negatively impact school accountability in future years.

H. M. Snodgrass advises that many of the A6 schools are day treatment centers and other state and federal agencies are involved. These schools have other regulatory restrictions that impact curriculum, student/staff ratios, and other requirements that are out of the school's control. The committee should consider accountability separately for these schools and possibly different ways to deal with A6 schools.

Kay Freeland is concerned as there are two new treatment facilities housing 130 students in her district. The students are Level 4 juvenile offenders, students who the court system has given a last chance before incarceration in traditional detention facilities. Since none of the students are from her district, it is inappropriate for here district to be held accountable for the students.

Benny Lile and views shared by Maynard Thomas to Benny Lile are that A5 and A6 schools are physically very different schools depending on the student population they are serving. The schools vary from a school like Jefferson County High School who serves students whose life styles or life requirements that are not a fit for a regular school. Students may be in a hospital setting on a suicide watch. Students with disciplinary problems, which can vary and who are housed in a typical alternative school (students with criminal activities who are incarcerated in a detention facility). How much professional development is devoted to a curriculum for the A5/A6 setting that allows students with differing needs to learn. Most professional development is directed to restraint and physical safety for teachers. This begs the question, should students, while in this setting, be held to the same level of learning. A student on suicide watch is a good example. Can school district staff be successful with these students after all the requirements of juvenile justice are met?

KDE staff comments:

Gene Wilhoit advises that this committee will have the opportunity to review and comment on proposals prior to KDE taking forward to the Kentucky Board of Education.

SCAAC member comments:

Varetta D. Hart shared that schools may be sending the least qualified staff to these facilities. We may be setting up the non-A1 schools to fail.

KDE staff comments:

Scott Trimble asked that committee members with suggestions for the paper should e-mail Catherine Wright with comments. The paper will be expanded to address the needs with foster children.

**7. Testing Window: Implications of HB621**

**Scott Trimble**

KDE staff comments:

A copy of House Bill 621 (HB621) has been included in the council members' packet. Scott Trimble advised that House Bill 621 changes the September 15<sup>th</sup> reporting date for the Commonwealth Accountability Testing System to 150 days after the first day the test can be administered. The House Bill came about at the request of a number of school districts who are operating schools on a year around schedule and alternative calendars. There are districts that feel that schools should be permitted to test later in the school year. For example, schools on a year around calendar feel that they are penalized, as they are required to test too early in the year. The Bill does allow us some flexibility on the test administration window. A handout was provided to SCAAC members with possible testing windows and reporting dates. The handout is being shared with a number of committees and probably will be brought back to this committee in the future for additional comment. The schedule addresses religious holidays of many faiths and attempts to avoid testing immediately after spring break. The schedule has appeared on the Department's WEB site and is tentative and now is open to change.

SCAAC member comments:

H. M. Snodgrass indicated that the legislation was initiated by the Year Around Education Association. Then district superintendents' with schools on traditional schedules began to see value to test later in the school year. This is appealing to eastern Kentucky districts who experience a number of bad weather days and other districts that are susceptible to this. The proposed legislation was discussed with the Kentucky Education Associations from the prospective that the 150 day requirement would allow for later testing in the school year to accommodate more instruction days.

Also discussed with the Legislature was possibility of districts having different testing windows to accommodate different school calendars. Ideally this would be the fairest to the districts.

Kay Freeland advised that in a meeting with Teachers Advisory Committee she polled the members and they are overwhelmingly in favor of moving the testing window later in the school year.

KDE staff comments:

Scott Trimble is not speaking for District Assessment Coordinator's (DAC's), however they recommend that a predictable testing window over a period of years is desirable. KDE could look at the impact with the testing window is moved back a week and second option is studying the impact of moving it back two weeks. We are obtaining school calendars from all schools.

Gene Wilhoit would like SCAAC to look at the testing window in different ways. The real issue, given an open flexibility, is what are the best judgments we want to make in terms of revamping the assessment program so that it provides the best instructional environment for our students and the best guidance for our schools and districts? If these questions can be answered then staff can work with the technical questions. When a person is presented a conflict between what is technically possible and what's the right thing to do, one should always go with what's the right thing to do. Technical problems can always be solved. Is it better to provide additional instructional time before the test? Is it a good idea to provide minimal break or down time after the test or is it better to keep that cushion time after the testing period? These are important questions the committee should address. Are the proposed policies fair to all schools and districts? Are we addressing the needs of year around schools and schools that are located in certain parts of the state that annually are out because of Sleet and Snow? Are there other things that should be addressed? The committee should look at options. Staff will be honest on whether we can do it or not do it.

SCAAC member comments:

Suzanne Guyer commented that based on the earlier NCLB discussion, the test may have to be administered earlier in the school year to meet NCLB requirements. There are also security issues. Is it feasible to implement a policy that the testing window shall start after a certain number of instructional days and still maintain test security? Each district may have a different testing window. How consistent does the testing window have to be across the state?

KDE staff comments:

Scott Trimble advises that there are security risks if the testing window is expanded. If the school community is willing to take the risk the testing calendar could be spread over a 6 week window. The advice from NTAPAA and Scott Trimble is to keep the testing window as short as possible. Other states feel there is a security risk and limit testing to specific days.

Cindy Owen reminded the committee that with a flexible testing schedule, we may not be in compliance with the 150 day requirement of HB621. Scott Trimble indicates that the reporting date will have to be 150 days after the last school starts testing.

SCAAC member comments:

H. M. Snodgrass notes that statute was just changed for test reporting and it can be changed again. With e-mail and the Internet, security issues are magnified as schools could transfer test questions all over the state in seconds. If individuals want to cheat the enhanced technology will permit them. If it is premature to base on the testing window on number of instructional days, then in the interim the committee might want to recommend expanding the testing window as a first step.

The committee asked KDE staff to analyze the instructional day data being received back from school districts and to study the impact on test reporting if the testing schedule is based on number of instructional days. Also the impact if the testing window started one week later in the school year and the same analysis with the testing window starting two weeks later in the school year. Committee members noted that there will be school closings if the test administration window starts two weeks later.

Benny Lile proposed a third option which is a four week window and schools will choose two consecutive weeks within the window to administer the test. Districts will notify the Department by March 1 of their testing weeks so that delivery and pickup of test materials can be coordinated.

Linda Sheffield raised scheduling conflicts with high school students who are taking advanced placement tests. Cindy Owen reported that in discussions with schools, elementary schools want to administer the test as late as possible in the school year. High schools however want to administer the test early enough to not conflict with advanced placement tests and other activities associated with graduation. Since many school districts have a variety of school configurations (e.g. elementary/middle, middle/high school, elementary/middle/high school) separate testing windows by grade level is possible with qualifications. Advice from experienced DAC's is needed to assess the logistical impact to the district with different testing options.

KDE staff comments:

Scott Trimble asked for advice on how to communicate a testing window change if the committee recommends moving forward with a different 2003 testing window. Secondly, does the committee feel that we should attempt to change the schedule for 2003 or wait until 2004?

Gene Wilhoit recommends that we immediately remind people that the bill did pass, that we have greater flexibility in the schedule, that the Department has had an introductory discussion with before SCAAC, and the Department plans to make a recommendation to the Kentucky Board of Education on the 2003 schedule.

SCAAC member comments:

Suzanne Guyer feels the schools will be accepting of a schedule change since the test will not be administered earlier in the school year.

KDE staff comments:

Cindy Owen indicates that KDE staff will begin to work on the options and bring back to the committee at their next meeting the findings of the different options.

SCAAC member comments:

H. M. Snodgrass suggests that a small task force be formed of district superintendents, school principals, and district assessment coordinators to come up with recommendations.

**8. Senate Bill 168**

**Scott Trimble**

KDE staff comments:

A copy of Senate Bill 168 (SB168) has been included in the council members' packet. Scott Trimble outlined Senate Bill 168. The Bill requires local schools to identify gaps in various performance groups; the same four groups identified in the NCLB discussion and gender differences. Schools are to identify substantive differences and various subgroups. The local school sets their objectives to close the gap and then takes the plan to the local school district board. If the school does not meet its objectives over two consecutive biennium's, then consequences occur and the Kentucky Department of Education becomes involved. The Bill says substantive difference to avoid conflicts with NCLB that was coming and to assure the legislative did not contradict other federal legislation. The Department talked with NTAPAA and has designed pages that will appear in the Kentucky Performance Report (KPR). One page will show the scale scores for the performance groups and gaps and when the difference is statistically significant. Local schools should look not only at the statistically significant differences that are flagged, but also the other substantive differences. Performance subgroup results are also reported by novice, apprentice, proficient, and distinguished classifications. The department has taken this committee's advice and is reporting proficient and distinguished separately. The data should be looked at over time starting with the 1999 test results. The additional requirement for schools is to formally identify the substantive gaps, to formally develop a plan to address the substantive gaps, and for the local school district boards to play a role in monitoring the school's performance in closing the gap's.

Bernard Hamilton advises the plan should be included as part of the school's Comprehensive Improvement Plan (previously known as the Consolidated Improvement Plan). Bernard provided council members a summary document of Senate Bill 168.

Council members then reviewed what schools will need to do to comply with SB168. The summary follows:

SB168 – An ACT relating to reducing achievement gaps in public schools.

- Defines "achievement gap" as the substantive performance difference on each of the tested areas, by grade level, of the Commonwealth Accountability Testing System between various groups of students, including male and female students, students with and without disabilities, students with and without English proficiency, minority and non-minority students, and students who are eligible for free and reduced lunch and those who are not eligible for free and reduced lunch;
- Requires the Department of Education by November 1 in each year, to provide each school council, or principal if there is no council, data on its students' performance as shown on the statewide tests disaggregated by these student groups and include an equity analysis;
- Requires each local Board of Education by December 1, 2002; upon recommendation of the superintendent, to adopt a policy for reviewing the academic performance on the state assessments for the various groups of students. Requires the local board to establish biennial targets for eliminating any achievement gaps that are agreed upon by the council and superintendent;
- Requires the School-Based Decision Making Council, or the principal if there is no council, by February 1, 2003, and each February 1 in odd-numbered years thereafter, with the involvement of parents, faculty, and staff, to set the school's biennial targets for eliminating any achievement gap and submit them to the superintendent for consideration;
- Requires the superintendent and the school council to agree on the targets before they are submitted to the local board of education for adoption;
- Requires the school council, or the principal, by April 1, 2003, and each April 1 in odd-numbered years thereafter, to review the disaggregated data and revise the consolidated plan to include the biennial targets, strategies, activities, and a time schedule calculated to eliminate any achievement gap among the various groups of students;
- Requires the principal to convene a public meeting at the school to present and discuss the plan prior to submitting it to the superintendent and the local board of education for review;
- Requires the local board to determine if a school met its targets;
- Requires revisions to the consolidated plan in the areas of professional development and extended school services by schools that do not meet their targets and submission of the plan to the superintendent for approval;
- Requires the superintendent to report schools that do not meet their targets after four years to the Commissioner of Education and requires KDE approval of the revised consolidated plan;
- Requires KDE statewide professional development programs to address reducing achievement gaps;

- Requires that for the 2002-2004 biennium Commonwealth School Improvement Funds be spent to reduce the achievement gaps in schools not meeting their goals under the statewide accountability system;
- Requires the local Board of Education to biennially review in a public meeting the portion of the schools' consolidated plan that sets forth the activities and schedule to reduce the achievement gaps among the various groups of students and provides alternatives for districts that include more than 20 schools.

Scott Trimble said that until the Kentucky Board of Education enacts the requirements of NCLB, KDE shall operate in line with Senate Bill 168 requirements.

<b>ADJOURNMENT</b>
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**SCAAC Motion:**

Roger Pankratz introduced the motion for adjournment and Suzanne Guyer seconded the motion. The Committee voted at 2:49 p.m. to adjourn and the motion passed unanimously.